

District Judge James L. Robart

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

RWANGOKO ANDREW,

Plaintiff,

v.

KRISTI NOEM, *et al.*,<sup>1</sup>

Defendants.

Case No. 2:24-cv-01375-JLR

STIPULATED MOTION TO  
HOLD CASE IN ABEYANCE  
AND ~~PROPOSED~~ ORDER

Noted for Consideration:  
January 29, 2025

Plaintiff Rwangoko Andrew and Defendants, through their respective counsel, pursuant to Federal Rule of Civil Procedure 6 and Local Rules 10(g) and 16, and hereby jointly stipulate and move for to stay these proceedings until May 23, 2025. Plaintiff brings this lawsuit pursuant to the Administrative Procedure Act and the Mandamus Act to compel the U.S. Citizenship and Immigration Services (“USCIS”) to adjudicate the Forms I-730, Refugee/Asylee Relative Petitions, that Plaintiff filed on behalf of his wife and children in December 2018. Defendants’

<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 25(d), Defendants substitute Department of Homeland Security Kristi Noem for Alejandro Mayorkas, and U.S. Citizenship and Immigration Services (“USCIS”) Acting Director Jennifer B. Higgins for Ur M. Jaddou.

1 response to the Complaint is due on February 25, 2025. For good cause, the parties request that  
2 this case be held in abeyance through May 23, 2025.

3 Courts have “broad discretion” to stay proceedings. *Clinton v. Jones*, 520 U.S. 681, 706  
4 (1997). “[T]he power to stay proceedings is incidental to the power inherent in every court to  
5 control the disposition of the causes on its docket with economy of time and effort for itself, for  
6 counsel, and for litigants.” *Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936); *see also* Fed. R. Civ.  
7 P. 1.

8 USCIS Nairobi Field Office approved Plaintiff’s Form I-730 petitions on January 3,  
9 2025. On January 20, 2025, President Trump issued an Executive Order (“EO”) entitled  
10 “Realigning the United States Refugee Admissions Program.” Presidential Actions, Executive  
11 Order, Jan. 20, 2025, Realigning the United States Refugee Admissions Program, *available at*  
12 [https://www.whitehouse.gov/presidential-actions/2025/01/realigning-the-united-states-refugee-](https://www.whitehouse.gov/presidential-actions/2025/01/realigning-the-united-states-refugee-admissions-program/)  
13 [admissions-program/](https://www.whitehouse.gov/presidential-actions/2025/01/realigning-the-united-states-refugee-admissions-program/) (last visited Jan. 28, 2025). Section 3(a) of the EO suspended entry of  
14 refugees into the United States through the U.S. Refugee Admissions Program (“USRAP”) as of  
15 January 27, 2025. Section 3(b) of the EO also suspended “decisions on applications for refugee  
16 status” by the Department of Homeland Security as of its issuance. This means that decisions on  
17 Form I-590, Registration for Classification as a Refugee, and Form I-730, Asylee/Refugee  
18 Relative Petitions filed by principal refugees, are suspended.

19 Section 4 of the EO indicates that within 90 days of the EO’s issuance, the Secretary of  
20 Homeland Security, in consultation with the Secretary of State (“the Secretaries”), shall submit a  
21 report to the President through the Homeland Security Advisor regarding whether resumption of  
22 entry of refugees into the United States under the USRAP would be in the interests of the United  
23 States. The Secretaries shall submit further reports every 90 days thereafter for the duration of  
24

1 the USRAP suspension. The suspension will remain in place until President Trump determines  
2 that resumption of the USRAP is in the interests of the United States.

3       Once the USRAP resumes, USCIS Nairobi Field Office will work to coordinate and  
4 complete any remaining processing steps that may be required, including but not limited to  
5 coordinating with USRAP partners regarding medical examinations and sponsorship assurances,  
6 and completion of any final background checks and eligibility determinations. Completion of  
7 required case processing, as well as a beneficiary's ability to travel to and enter the United  
8 States, may be contingent on any updates to, or forthcoming guidance on, the newly issued  
9 Executive Orders.

10       Additionally, separate from this litigation, Plaintiff's youngest child, who resides in  
11 Kenya with the beneficiaries, has an approved Form I-130, Petition for Alien Relative, and is in  
12 the process of applying for an immigrant visa through the State Department at the U.S. Embassy  
13 in Nairobi. The beneficiaries want to travel to the United States with the child.

14       Because of the EO, the remaining required steps on the Forms I-730 processing, and to  
15 allow time to synchronize travel for Plaintiff's youngest child going through immigrant visa  
16 processing, the parties agree and jointly request that this case be held in abeyance until May 23,  
17 2025, and order the parties to file a joint status report on or before May 23, 2025. The parties  
18 further request that the Order Regarding Initial Disclosures, Joint Status Report, and Early  
19 Settlement (Dkt. No. 16) be vacated.

20 //

22 //

24 //

DATED this 29th day of January, 2025.

Respectfully submitted,

TESSA M. GORMAN  
United States Attorney

SUMMIT LAW GROUP, PLLC

s/ Michelle R. Lambert

MICHELLE R. LAMBERT, NYS #4666657  
Assistant United States Attorney  
United States Attorney's Office  
Western District of Washington  
1201 Pacific Avenue, Suite 700  
Tacoma, Washington 98402  
Phone: (253) 428-3824  
Fax: (253) 428-3826  
Email: [michelle.lambert@usdoj.gov](mailto:michelle.lambert@usdoj.gov)

s/ Diana Siri Breaux

Diana Siri Breaux, WSBA #46112  
[dianab@summitlaw.com](mailto:dianab@summitlaw.com)  
315 Fifth Avenue S., Suite 1000  
Seattle, WA 98104  
Telephone: 206-676-7000

PATTERSON BELKNAP WEBB & TYLER  
LLP

*Attorneys for Defendants*

s/ Steven A. Zalesin

STEVEN A. ZALESIN (*Pro Hac Vice*)  
[szalesin@pbwt.com](mailto:szalesin@pbwt.com)

*I certify that this memorandum contains 631  
words, in compliance with the Local Civil Rules.*

s/ Stephanie Sofer

STEPHANIE SOFER (*Pro Hac Vice*)  
[ssofer@pbwt.com](mailto:ssofer@pbwt.com)

s/ Emma Guido Brill


EMMA GUIDO BRILL (*Pro Hac Vice*)  
[eb Brill@pbwt.com](mailto:eb Brill@pbwt.com)  
1133 Avenue of the Americas  
New York, NY 10036  
Telephone: 212.336.2000

*Attorneys for Plaintiff*

**[PROPOSED] ORDER**

The parties having so stipulated, the above is **SO ORDERED**. The parties shall file a joint status report on or before May 23, 2025. The Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement (Dkt. No. 16) is vacated.

DATED this 29th day of January, 2025.



---

JAMES L. ROBART  
United States District Judge